

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

AUGUST H. BECK, III

Filed: June 18, 1999

Serial No.: 09/336,204

Title: PILOTED DRILL BARREL AND
METHOD OF USING SAME

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Art Unit: 3671

Examiner: Nathan S. Mammen

Docket No.: 063007.0010

#15/Recon
6/11/03

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RESPONSE D TO OFFICE ACTION

Art Unit 3671
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Dear Sir:

This is a response to the Office Action mailed March 11, 2003. Claims 1 – 41 are pending in the application. Claims 23 and 25 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,165,130 (Mason). Claims 1 – 22 and 26 – 41 were indicated as being allowable. Claim 24 were objected to as being dependent on a rejected base claim.

Applicant respectfully traverses the 102(b) rejection of claims 23 and 25 based on the Mason patent. Mason's apparatus is neither substantially hollow nor substantially open at either end. In fact, the proximal end of Mason's mechanism is nearly, if not entirely, closed off. The hood (22) extends from the outer edge of the machine to the vent tube (32), forming "an enclosed chamber about the entire operating mechanism of the machine." Col.2, lines 49-50. Furthermore, the vent tube (32) is attached directly to a hose (90), leaving no openings other than the small apertures (34) for venting gaseous dusts. See Fig. 1. It is not surprising that the Mason

drill is not open at the proximal end because, unlike Applicant's drill, it is not at all concerned with collecting the cuttings. Rather, Mason teaches vacuuming the cuttings up through the machine and out through an attached hose (90). As to substantial hollowness, Mason's apparatus is nearly entirely filled with machinery. Comparing Mason's Figure 1 with Applicant's Figures 1 and 2 dramatically demonstrates this disparity.

In summary, claims 23 and 25 cannot be anticipated because Mason does not describe a drill barrel as disclosed and claimed by Applicant. Accordingly, it is requested that the rejection of claims 23 and 25 be withdrawn.

In view of the foregoing, all claims 1 – 41 are believed to be allowable. An early allowance is respectfully requested.

Respectfully submitted,



Kirt S. O'Neill, Reg. No. 38,257

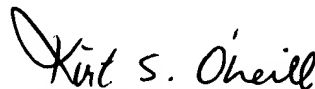
Date: May 29, 2003.

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 29, 2003.



Kirt S. O'Neill, Reg. No. 38,257